REMARKS

In response to action of November 28, 2006, applicants asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1, 26, 51 and 54-83 are pending, of which claims 1, 26, 51 and 83 are independent. Claims 1, 26, 51 and 83 have been amended. Support for these amendments may be found in the application at, for example, page 2, line 24 to page 3, line 3 and page 3, lines 22-23. No new matter has been introduced.

The amendment to claim 83 is believed to address the Examiner's objection. Accordingly, applicant respectfully requests that the claim objection be withdrawn.

Claims 1, 26, 51, 54-60 and 62-82 have been rejected as being anticipated by Li (U.S. Patent No. 6,219,793). Applicant requests reconsideration and withdrawal of the rejection because Li does not describe or suggest a portable communication device that includes a nonvolatile memory for storing at least one reference biological information of the client using the portable communication device, as required by each of the amended independent claims 1, 26 and 51, as described more fully below.

Independent claim 1, as amended, is directed to a system for identifying a client. The system includes a server and a portable communication device. The portable communication device includes a nonvolatile memory for storing at least one reference biological information of the client using the portable communication device, a sensor for reading biological information of the client, and a transmitting circuit for transmitting information that read biological information and stored biological information have matched to a server. The server is configured to transmit the information that the read biological information and the stored biological information have matched to a final end of transaction configured to start a transaction with the client conditioned upon receipt of the information that the read biological information and the stored biological information have matched.

By contrast, Li describes a system and method for identifying an individual using biological information of the client provided by a fingerprint capturing device 101 that is connected to a mobile telephone 102. More particularly, Li discloses using a fingerprint

capturing device ("FCPD") 101 to identify an individual using a portable communication device, where the fingerprint capturing device preferably is incorporated within a mobile telephone 102. See Li at col. 6, lines 54-66. The fingerprint capturing device captures a user's fingerprint information and generates a token based on the captured fingerprint information. See Li at col. 7, lines 40-46. Li's fingerprint capturing device also receives a fingerprint-based token from a central authentication system (CAS) 106 for comparison with the generated token as part of the identification process. See Li at col. 7, lines 52-55. In Li's system, the mobile telephone 102 wirelessly communicates with the mobile switching center (MSC) 103 of the wireless carrier 104, which, in turn, communicates with the central authentication system (CAS) 106 over the PSTN or the Internet 105. See Li at FIG. 1 and col. 7, lines 6-23.

Notably, Li does not describe or suggest the fingerprint capturing unit or the mobile telephone includes a nonvolatile memory for storing reference biological information of the client using the mobile telephone. Rather, as noted above, Li's fingerprint capturing device also receives a fingerprint-based token from a central authentication system (CAS) 106 for comparison with the token generated as part of the identification process. See Li at col. 7, lines 52-55. Although Li's fingerprint capturing device includes a memory 404 shown in FIG. 4, the memory includes "1) a software program 405 which contains program codes for fingerprint image processing, matching, decryption of the challenge, and the generation of responses; and 2) a response storage unit 406 which temporarily stores the response before sending it to the CAS 106." See Li at col. 12, lines 20-27. Although Li indicates that the generated token based on the captured fingerprint information may be stored in memory 404, Li does not describe or suggest storing the fingerprint-based token received from the central authentication system in nonvolatile memory.

Accordingly, Li does not describe or suggest a portable communication device that includes a nonvolatile memory for storing at least one reference biological information of the client using the portable communication device, as recited in amended claim 1.

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Therefore, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims 54-60 and 62-65.

Amended independent claim 26 is directed to a method for identifying a client. The method includes, _inter alia_, storing at least one reference biological information of the client in a nonvolatile memory in a portable communication device. As described above with respect to claim 1, a portable communication device that includes a nonvolatile memory for storing at least one reference biological information of the client using the portable communication device. For the reasons described above with respect to claim 1, Li does not describe or suggest storing at least one reference biological information of the client in a nonvolatile memory in a portable communication device, as recited by claim 26.

Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 26 and its dependent claims 66-77.

Similarly to claim 26, claim 51, as amended, recites storing a reference biological information of the client in a nonvolatile memory in the portable communication device. Accordingly, for at least the reasons described above with respect to claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 51 and its dependent claims 78-82.

Claim 61 has been rejected as being unpatentable over Li in view of Osborn (U.S. Patent No. 6,026,293). Osborn, which is cited in the action for disclosing storing programs in flash memory on cellular telephones, does not remedy the failure of Li to describe or suggest the subject matter of independent claim 1, from which claim 61 depends.

Additionally, one skilled in the art would not have been motivated to combine the system of Li with the cellular telephone of Osborn. As described above, Li describes techniques for identifying an individual using biological information of the client provided by a fingerprint capturing device 101 that is connected to a mobile telephone 102. Li does so by comparing the fingerprint-based token received from a remote central authentication system (CAS) 106 with a token based on captured fingerprint information and generated by the fingerprint capturing device. In contrast, Osborn discloses storing programs in flash memory on cellular telephones.

Nothing in Li or Osborn would have provided motivation to employ Osborn's flash memory in Li's fingerprint capturing device to store the token received from the remote central authentication system. Indeed, doing so would seem to be contrary to Li's approach of receiving a fingerprint-based token from a remote central authentication system when authentication is requested.

Accordingly, for at least the reasons noted above with respect to the rejection of independent claim 1, applicant requests reconsideration and withdrawal of the rejection of claim 61.

The action indicates that claim 83 has been rejected. See Office Action Summary and page 8, line 25. The action, however, does not indicate the basis of the rejection. As amended, claim 83 recites a storing means comprising nonvolatile memory for storing reference biological information of the client. For the reasons described above, applicant submits claim 83 is allowable and respectfully requests reconsideration and withdrawal of the rejection of claim 83.

Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated November 28, 2006, be extended for one month to and including March 28, 2007.

The fee in the amount of $120.00 in payment for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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